

UNITED STATES DISTRICT COURT

Southern

District of

New York

NYP HOLDINGS, INC.

SUMMONS IN A CIVIL ACTION

V.

TWIN CITY FIRE INSURANCE COMPANY

CASE NUMBER:

07 CIV 8155**Judge Pauley**

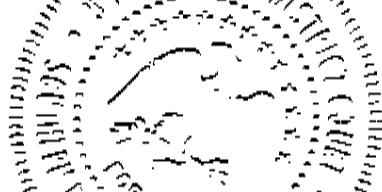
TO: (Name and address of Defendant)

Twin City Fire Insurance Company
1 College Park
Indinapolis, IN 46268

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Keating & McHugh
30 Vesey St., 15th Floor
New York, NY 10007

an answer to the complaint which is served on you with this summons, within Twenty(20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

(By) DEPUTY CLERK

SEP 18 2007

DATE

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AFFIDAVIT OF SERVICE

SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

DOCUMENTS SERVED WITH INDEX # 07CIV8155 AND FILED ON

ATTORNEY(S): Keating & McHugh, Peter McHugh

Plaintiff

NYP Holdings, Inc.

vs

Twin City Fire Insurance Company

Defendant

STATE OF NEW YORK: COUNTY OF ALBANY COUNTY, SS.:

James Perone, being duly sworn deposes and says deponent is not a party to this action, is over the age of eighteen years and resides in the State of New York. That on September 24, 2007 at 10:18am at Corporation Service Company, 80 State St, Albany, NY deponent served the within Summons in a Civil Action and Complaint

on: Twin City Fire Insurance Company, Defendant (herein called recipient) therein named.

INDIVIDUAL <input checked="" type="checkbox"/> A	By personally delivering to and leaving with said _____ a true copy thereof, and that deponent knew the person so served to be the person mentioned and described in said Summons in a Civil Action and Complaint
CORPORATION <input checked="" type="checkbox"/> B	By delivering to and leaving with Nikkie Chappie at 80 State St, Albany, NY and that deponent knew the person so served to be the General Agent of the corporation. Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person:
SUITABLE AGE PERSON <input type="checkbox"/> C	By delivering a true copy thereof to and leaving with _____ a person of suitable age and discretion at _____ the said premises being the defendants/respondents [] dwelling place (usual place of abode) [] actual place of business within the State of New York.
AFFIXING TO DOOR <input type="checkbox"/> D	By affixing a true copy thereof to the door of said premises, the same being the defendant's [] dwelling house (usual place of abode) [] actual place of business within the State of New York.
MAILING TO RESIDENCE (use with C or D) <input type="checkbox"/> E1	Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's residence at _____ and deposited said envelope in an official depository under the exclusive care and custody of the United States Post Office within New York State on _____.
MAILING TO BUSINESS (use with C or D) <input type="checkbox"/> E2	Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's actual place of business at _____ in an official depository under the exclusive care and custody of the United States Post Office within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant and mailed on _____.
PREVIOUS ATTEMPTS (use with D) <input type="checkbox"/> F	Deponent had previously attempted to serve the above named defendant/ respondent Day _____ Date _____ Time _____ Day _____ Date _____ Time _____ Day _____ Date _____ Time _____ Deponent spoke with _____ who stated to deponent that the said defendant(s) lived at the aforementioned address, but did not know defendant's place of employment.
G <input checked="" type="checkbox"/> DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.	
VOID WITHOUT DESCRIPTION (use with A, B, C & D)	A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows: Approximate age 47 Approximate weight 200 Approximate height 5'7 Sex Female Color of skin Black Color of hair Black Other
MILITARY SERVICE <input checked="" type="checkbox"/> X	Deponent asked the person spoken to whether the defendant/respondent was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he/she was not. Your deponent further says that deponent knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.
NON-SERVICE H.I.	After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served due to the following: [] Not known at address [] Address does not exist [] Evading [] Moved left no forwarding [] Other
WIT. FEES <input type="checkbox"/>	\$ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient. ---

Sworn to before me on this 25th day of September, 2007

DONNA M. TIDINGS

NOTARY PUBLIC, State of New York
No. 01114898570, Qualified in Albany County
Commission Expires June 15, 2011

James Perone

Attny's File No.

Invoice/Work Order # SP0707960

SERVICO, INC. - PO Box 871 - ALBANY, NEW YORK 12201 - PH 518-463-4179